IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 7275 of 2004

Ramchand Kotumal Chandwani ..Petitioner

vs.

1. Commissioner of State Excise
and another ..Respondents

Shri Girish Kulkarni with Shri S.C.Kekane for petitioner
Shri V.P.Malvankar, A.G.P. for respondent nos. 1 and 2

CORAM: A.P.SHAH
S.U.KAMDAR JJ.
10th Setember, 2004

P.C.

1. Heard Advocates.

2. The petitioner is challenging the seizure of jaggery on the basis of an interim order passed in Writ Petition No. 2598 of 2002 dated 24th April, 2002. (See K.G.Das and Co. Vs.Commissioner of State Excise; 2004(1) Mh.L.J.71)

3. Writ Petition No. 2598 of 2002 along with companion matters challenging the constitutional validity of the amendment effected in Bombay Prohibition Act were finally disposed of by the Division Bench vide order dated 5th September, 2003 holding that the amendment is intra vires.

4. We have been informed that in respect of the said seizure of jaggery a criminal case is pending in the Court of Judicial Magistrate. The petitioner is free to apply to the learned Magistrate for opening the seal of the premises and for release of the jaggery. Needless to say that if such an application is made the learned Magistrate shall deal with the same in accordance with law. Petition is accordingly disposed of..